

Remarks:

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of Applicant's claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application is respectfully requested.

Claims 1 - 11 are presently pending in the application.

Claims 1 - 5 are subject to examination and claims 6 - 11 have been withdrawn from examination. As it is believed that the claims were patentable over the applicable cited art in their original form, the claims have not been amended to overcome the references.

On page 2 of the above-identified Office Action, claims 1 - 5 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U. S. Patent Application Publication No. 2004/0067420 A1 to Ota ("OTA").

On page 3 of the Office Action, claims 1 - 5 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 6,180,291 to Bessy et al ("BESSY") or U. S. Patent No. 6,888,621 to Araki et al ("ARAKI") in view of OTA.

Applicant respectfully traverses the above rejections.

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More particularly, Applicant respectfully notes that OTA has an effective date as a reference of October 3, 2002. See 35 U.S.C § 102(e). Applicant is providing herewith, evidence of Applicant's conception of the claimed invention at least as early as July 5, 2002. Applicant is further providing herewith, evidence of Applicant's diligence in reducing the claimed invention to practice, culminating in the constructive reduction to practice of the claimed invention on November 28, 2002 with the filing of the German patent application upon which the instant application claims priority. As such, Applicant believes that the OTA reference is not properly citable art against Applicant's claimed invention.

In particular, Applicant is submitting herewith an unsigned copy of a Declaration Under 37 C.F.R. § 1.131 attesting to the conception of the invention of the instant application at least as early as July 5, 2002 (i.e., prior to the effective date of October 3, 2002 of OTA). A signed copy of the 1.131 Declaration will be provided, shortly.

In support of Applicant's prior conception, Applicant is enclosing an Invention Disclosure (Erfindungsmeldung) showing that Applicant's full conception of the claimed invention occurred at least as early as July 5, 2002. More particularly, the following information can be obtained from

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the first "form" page of the Invention Disclosure. The Invention Disclosure was completed by the Applicant on July 5, 2002 in Germany, a WTO member country, under the title "Buried Conductive Backside Coating of EUV-Marks by Means of Doping". The Invention Disclosure was forwarded to Applicant's group leader, Mr. Gerd Unger, who acknowledged receipt of the Invention Disclosure on July 8, 2002. The Invention Disclosure was forward to the IP department, where Mr. Uwe Tenner signed receipt of the Invention Disclosure on July 10, 2002. As indicated by the stamp dated August 1, 2002, Mr. Tenner decided that the invention should be filed with the Patent Office. For this purpose, the invention disclosure was handed to the patent administration on August 5, 2002, as shown by the stamp in bottom part of the first page of the Invention Disclosure form.

Page 2 of the Invention Disclosure describes the instant invention. Additionally a figure was attached to the Invention Disclosure. Translations of pages 1 and 2 of the Invention Disclosure are being provided herewith. Note that items 4 and 5 of page 2 of the Invention Disclosure disclose implanting ions in an EUV-mask on their back side in order to form a conductive, buried layer within the substrate. The bottom layer of the figure accompanying the Invention Disclosure additionally shows the features of the invention,

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including the buried back side conductive layer. As such, the features of claim 1 of the instant invention are disclosed in the Invention Disclosure of JULY 5, 2002.

Further, Applicant is providing herewith, a further unsigned Declaration in Support of the 37 C.F.R. § 1.131 Declaration, made by Applicant's counsel, attesting to the diligence in the preparation of a patent application filed on the instant invention. More particularly, Applicant's representative attests to being diligent in preparing a patent application from prior to the October 3, 2002 effective date of OTA, until the November 28, 2002 filing date of the German patent application from which the instant application claims priority (i.e., less than two months later), and that such diligence occurred in a WTO country.

More particularly, per the Declaration, on August 24, 2002, patent counsel preparing the German patent Application visited the Applicant at his location in Munich, in order to discuss the Invention Disclosure. According to a status report of invention disclosures dated October 31, 2002, a draft of the patent application was in preparation at that time. On November 12, 2002, a draft of the patent application was sent to Applicant. On November 20, 2002, a telephone conversation was held with Applicant, about the draft patent application.

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A corrected draft of the patent application was sent to the Applicant on November 21, 2002. A further telephone conversation with the Applicant was held on November 25, 2002. German Patent Application 102 55 605.9, from which the instant application claims priority, was filed in a WTO country on November 28, 2002. As such, it is believed that Applicant, through its patent agent, diligently worked to reduce the instant invention to practice from a date prior to the effective date of the OTA reference, until the filing date of the application from which the instant case claims priority, (i.e., less than two months later). As such, Applicant, through his representative, was diligent in reducing the instant invention to practice.

Although Applicant has proven herein an earlier conception and a diligent constructive reduction to practice of the claimed invention, Applicant reserves the right to make further proof of an even earlier conception date and of an actual reduction to practice preceding the effective date of OTA.

In view of the foregoing, because OTA is not a statutory bar and because its effective date is after the conception date of the present invention, which was diligently reduced to practice (i.e., at least constructively) less than two months after the filing date of OTA, Applicant respectfully believes

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that OTA is unavailable as prior art. Therefore, Applicant respectfully submits that the Section 102 and 103 rejections on pages 2 and 3 of the Office Action are now moot and requests that they be withdrawn.

Further, neither of the remaining ARAKI or BESSY references cited in the Office Action in combination with OTA, taken alone or in combination, teach or suggest the limitations of Applicant's claims. More particularly, among other limitations of Applicant's claims, neither BESSY, nor ARAKI, teach or suggest that the conductive layer is buried within the substrate, as required by Applicant's claims. Rather, BESSY discloses a conductive layer is provided on the front side, and is deposited upon the substrate (i.e., not buried within the substrate). Additionally, BESSY discloses a transmission-type mask, instead of the reflection-type mask claimed by Applicant. Applicant believes that the teachings of ARAKI do not go beyond what is disclosed in BESSY. At least some of the differences between Applicant's claimed invention and the teachings of ARAKI and BESSY are set forth on page 5 of the Office Action, which states:

The teachings of Bessy et al. or Araki et al. differ from those of the applicant in that the applicant teaches that the conductive layer is within a substrate of a reflection mask. [emphasis added by Applicant]

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It can be seen from the foregoing that OTA is not citable prior art against Applicant's claimed invention, and that the ARAKI and BESSY references, taken alone or in combination, do not teach or suggest Applicant's claimed invention.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1 - 11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

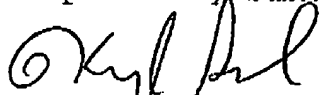
Additionally, please consider the present as a petition for a two (2) month extension of time, and please provide a two (2) month extension of time, to and including, April 24, 2006, to respond to the present Office Action.

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The extension fee for response within a period of two (2) months pursuant to Section 1.136(a) in the amount of \$450.00 in accordance with Section 1.17 is enclosed herewith.

Please provide any additional extensions of time that may be necessary and charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner, Greenberg, Stemmer, L.L.P., P.A., No. 12-1099.

Respectfully submitted,



For Applicant

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April 24, 2006

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